

# **CITY COUNCIL AGENDA**

**SEPTEMBER 2, 2003**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: None.**  
  
1:36 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: None.**  
  
7:03 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent – Council Members: None.**
- **Invocation (District 8)**  
**Pastor Linda Boston of the Grace Lutheran Church delivered the Invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Scott Hjeltness for his assistance to police in locating a fugitive in the Berryessa area. (Reed)  
**Mayor Gonzales was joined by Council Member Reed at the podium to present a commendation to Scott Hjeltness for assisting the Police in locating a fugitive in the Berryessa area.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to The Northern California Offices of AAA for donating their time and resources in assisting the City of San José's "Street Smart" Program.

(Dando, Yeager)

(Rules Committee referral 8/27/03)

## **HEARD IN THE EVENING**

**Vice Mayor Dando and Council Member Yeager joined Mayor Gonzales to present a commendation to the Northern California Offices of AAA for donating their time and resources to the City of San José's "Street Smart" Program. Regional Director of AAA Randy Watkins accepted the commendation and thanked the Mayor, Council and the City of San José for their continuous support and the honor of the commendation.**

# 2 CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of March 4, 2003
- (b) Regular meeting of March 11, 2003
- (c) Regular meeting of March 18, 2003

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26955 – Prezones certain real property situated on the east side of North Bascom Avenue, approximately 160 feet southerly of Forest Avenue to CP Pedestrian Commercial Zoning District. C 03-051

**Ordinance No. 26955 adopted.**

- (b) ORD. NO. 26956 – Rezones certain real property situated on the northwest corner of Meridian Avenue and West San Carlos Street to CP Commercial Pedestrian Zoning District. C 03-052

**Ordinance No. 26956 adopted.**

- (c) ORD. NO. 26958 – Rezones certain real property situated on the west side of Coleman Avenue, between Newhall Street and Brokaw Road, to A(PD) Planned Development Zoning District. PDC 98-104

**Ordinance No. 26958 adopted.**

*(This item continued on next page.)*

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

- (d) ORD. NO. 26959 – Rezones certain real property situated on the northwest corner of North First Street and Gish Road to A(PD) Planned Development Zoning District. PDC 01-103

**Ordinance No. 26959 adopted.**

- (e) ORD. NO. 26960 – Prezones certain real property situated on the southeastern corner of Garden Avenue and Southside Drive to R-1-8 Residence District. C 02-108

**Ordinance No. 26960 adopted.**

### 2.3 Approval of various fiscal actions related to the CAD System.

**Recommendation:** Adoption of an ordinance amending the annual appropriation ordinance for Fiscal Year 2003-2004 in the General Fund to:

- (a) Establish an appropriation in City-wide Expenses to the Fire Department in the amount of \$1,000,000 for Computer-Aided Dispatch System Replacement; and  
(b) Decrease the Reserve for Computer Aided Dispatch (CAD) System Replacement by the amount of \$1,000,000.

CEQA: Not a Project. (Fire/City Manager's Office)

**Ordinance No. 26966 adopted.**

### 2.4 Approval of various fiscal actions related to the Alcohol Beverage Control Grant.

**Recommendation:** Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the General Fund for Fiscal Year 2003-2004 as follows:

- (a) Establish an appropriation in the City-wide Expenses to the Police Department for the Fiscal Year 2003-2004 Alcohol Beverage Control Grant in the amount of \$73,850; and  
(b) Increase the Earned Revenue Estimate from the State of California by \$73,850.

CEQA: Not a Project. (Police/City Manager's Office)

**Ordinance No. 26967 adopted.**

**Resolution No. 71728 adopted.**

### 2.5 Approval of various actions related to a public service easement.

**Recommendation:** Adoption of a resolution of intention to vacate a portion of a Public Service Easement (PSE) along the right-of-way of a private street (formerly Technology Drive) between Skyport Drive and Sonora Avenue, and setting a public hearing on September 30, 2003 at 1:30 pm. CEQA: Resolution No. 69421. Council District 3. (Public Works)

**Resolution No. 71729 adopted.**

## 2 CONSENT CALENDAR

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### 2.6 Acceptance of report from the Office of the City Auditor.

**Recommendation:** Acceptance of the Office of the City Auditor's *Report on Sales and Business Tax Audit Results for the Quarter Ended June 30, 2003*. (City Auditor)  
(Rules Committee referral 8/27/03)

**The Office of the City Auditor Report was accepted.**

### 2.7 Approval of appointments to the City of San José Housing Trust Fund Board.

**Recommendation:** Approval of appointments to the City of San José Housing Trust Fund Board. (Mayor)  
(Rules Committee referral 8/27/03)

**Continued to 9/9/03.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**No Report.**

### 3.2 Report of the Rules Committee

**Vice Mayor Dando, Chair**

**Meeting of August 20, 2003**

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review September 2, 2003 Draft Agenda

**The Committee directed the City Attorney to return to Rules Committee with suggestions for a Council policy governing Council interviews for board/commission vacancies. The Committee recommended approval of the September 2, 2003 City Council agenda with one addition.**

(2) Add New Items to August 26, 2003 Amended Agenda

**The Committee recommended five additions to the August 26, 2003 City Council agenda.**

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – Meeting of August 20, 2003 (Cont'd.)

##### Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager's report listing three staff reports outstanding for the August 26, 2003 Council agenda.**
- (c) Legislative Update
  - (1) State
    - (a) Acceptance of the August 13 State Legislative Bill Matrix  
**The Committee recommended acceptance of the August 13 State Legislative Bill Matrix.**
  - (2) Federal  
**There was no report.**
- (d) Meeting Schedules  
**The Committee recommended approval to change the September 28, 2003 Study Session to a Special Council Meeting to consider "Approval of recommendations related to policy changes and initiatives related to business development and outcomes from the 'Getting Families Back to Work' " study sessions.**
- (e) The Public Record  
**There was no Public Record filed.**
- (f) Appointments to Boards, Commissions and Committees  
**There were none.**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Request from Vice Mayor Dando to use Council General funds to attend the League of California Cities Annual Conference and Board of Directors Meeting in Sacramento, CA, September 7-10, 2003  
**The Committee approved the use of Council General funds by Vice Mayor Dando to attend the League of California Cities' Annual Conference and Board of Directors Meeting in Sacramento, California, September 7-10, 2003.**
- (h) Oral communications  
**None were presented.**
- (i) Adjournment  
**The meeting adjourned at 2:30 P.M.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – Meeting of August 27, 2003 Vice Mayor Dando, Chair

Meeting of August 27, 2003

(c) Legislative Update

(1) State

(a) 2003 League of California Cities Voting Delegate at the Annual Business Meeting

**The Committee recommended designation of Vice Mayor Pat Dando as the voting delegate at the September 10, 2003 Annual Business Meeting of the League of California Cities.**

(b) 2003 League of Cities Resolutions

**The Committee recommended the following City positions for two resolutions to be considered at the Annual League of California Cities Conference to be held in Sacramento, September 7-10, 2003:**

**(1) Resolution amending bylaws of the League of California Cities – No Position.**

**(2) Resolution relating to proposed Federal legislation to expand wilderness and wild and scenic river designations – Disapprove.**

**The Rules Committee Report and actions of August 20 and August 27, 2003 were accepted.**

#### 3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair No Report.

#### 3.4 Campaign Finance Review and Ethics Board Interviews.

**Recommendation:** Interview applicants to the Campaign Finance Review and Ethics Board for two four-year terms ending March 1, 2007. (City Clerk)

(Continued from 5/27/03 – Item 3.4 et al., and 8/19/03 – Item 3.5)

**Heard last in the afternoon. Remaining applicants to be interviewed on 9/9/03. Charles Blackmore and Tom Mertens were interviewed.**



### 3 STRATEGIC SUPPORT SERVICES

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#### 3.5 Approval of the FY 2003-2004 General Fund Rebalancing Plan.

**Recommendation:**

- (a) Approval of the 2003-2004 General Fund Rebalancing Plan recommended in the memorandum and detailed in Attachments A and B of the report.
- (b) Consistent with prior direction, unfreeze 26 of the 28 General Fund capital projects previously placed on hold pending resolution of the State budget as detailed in Attachment C, and approve the elimination of two of the frozen General Fund capital projects as part of the above-described rebalancing strategy.
- (c) Direct staff to return with appropriation ordinance and funding sources resolution amendments and amendments to applicable fee resolutions necessary to implement the above actions.

(City Manager's Office)

(Rules Committee referral 8/13/03)

**Approved with exception to those items subject to meet and confer will be considered at the conclusion of the meet and confer process, the Redevelopment Agency budget will be heard on 9/9/03, the vote taken on 9/16/03, and Staff directed to return to Council with a reclassification of a half-time Legislative Secretary position in the City Clerk's office. Noes: LeZotte, Reed, Yeager.**

#### 3.6 Approval of actions for a copying and printing facility in City Hall.

**Recommendation:** Report on Request for Proposal and adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute a one-year agreement with two, one-year options with Kinko's, Inc. to operate a copying and printing facility in the City Hall Area for a one-year term from the date of execution, with total first year compensation not to exceed \$2,000,000; and
- (2) Execute each of the options to renew without further City Council action other than the appropriation of necessary funding.

CEQA: Exempt, PP03-07-246. (General Services)

**Resolution No. 71730 adopted.**

**Staff directed to provide information pertaining to whether Kinko's will be utilizing local franchises as opposed to national and the impacts this will have on the local business community, to provide a breakdown of printing services and costs and to provide information stating if the Manager's competition policy was applied to the contract, to provide compliance ratings in accordance with the EPP program for each of the bidding contractors, to provide an overview of the bidding contractors and how they were rated in comparison to Kinko's, and for Staff to provide Council with an informational memorandum pertaining to status update of the project.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.7 Approval of the Statement of Policy and City Council Questions related to the selection of a new Police Chief.

**Recommendation:** Adoption of the Statement of Policy and City Council Questions related to the selection of a new Police Chief as described in the memo, in compliance with City Charter Section 411.1. (City Manager's Office)  
(Rules Committee referral 8/27/03)

**Approved.**

Staff directed to include the following amendments to the Statement of Policy and City Council Questions related to the selection of a new Police Chief: (1) to include the word Play in the departmental mission, to read as follows, "creates safe places to live, play, work and learn", (2) to add the following questions: "Would you plan to increase minority recruitment and if so, please describe your plan for doing so", "What is your opinion on an Independent Police Auditor?", "How do you continue to improve and maintain the morale of your workforce?", and "What would you bring to the table in regards to building trust and continuing to build trust within the City's communities?", (3) and to include issues of policing strategies including the applicant's opinions of community policing and to include a question regarding the applicant's openness to community involvement and activism.

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair No Report.

#### 4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.

#### 4.3 Discussion of the City's current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages.

**Recommendation:** Discussion and direction to the Administration and the City Attorney's Office regarding possible revision to the City's current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages contained at Section 20.80.550 of Title 20 of the San José Municipal Code. (City Attorney's Office)  
(Deferred from 6/17/03 – Item 4.9 and 8/26/03 – Item 4.3)  
**Continued to 9/16/03.**

## **5 RECREATION & CULTURAL SERVICES**

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- 5.1 Report of the All Children Achieve Committee**  
**Council Member Yeager, Chair**  
**No Report.**

## **6 TRANSPORTATION SERVICES**

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- 6.1 Report of the Building Better Transportation Committee**  
**Council Member Cortese, Chair**  
**No Report.**

- 6.2 Acceptance of the report on the Street Smarts public education campaign.**

**Recommendation:** Acceptance of the report on the Street Smarts public education campaign as it pertains to community awareness, campaign performance measures, and to the allocation of funding for this year's campaign. CEQA: Not a Project.  
(Transportation)

**The Street Smarts public education campaign report was accepted.**  
**Staff directed to provide Council with a listing of schools involved with the Street Smarts program.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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- 7.1 Approval of various actions related to the 2002-2003 Urban Runoff Management Plan Annual Report.**

**Recommendation:** Authorization for the submittal of the 2002-2003 Urban Runoff Management Plan Annual Report and certification to the Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System (NPDES) permit requirements, pursuant to the federal Clean Water Act. CEQA: Resolution No. 65459, PP03-08-260. (Environmental Services)

**Staff directed to clarify if planned modification to Tier 2 of the Storm Drain System Operation and Maintenance program is a substantial or fiscal modification and to provide a status update as to how the Pest Management program plans to handle pest management activities in City parks, and to provide Council with a report pertaining to storm drain cleaning of City development sites.**

## **8 AVIATION SERVICES**

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## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval to award a contract for the Fire Station No. 13 Upgrade Project.

**Recommendation:** Report on bids and award of contract for the Fire Station No. 13 Upgrade Project to the low bidder, D & K Painting Company, Inc., for the base bid and Add Alternate No. 1 in the amount of \$803,876, and approval of a contingency in an amount of \$120,581. CEQA: Exempt, PP02-12-390. Council District 9. (Public Works/Fire)

**Approved.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps

Tract	Location	Council District	Developer	Lots/Units	Type	Proposed Decision
9378	Southwest corner of North First Street and East Julian Avenue	3	Park Townsend LLC	98 units	SFA	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

**None.**

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

(1) **Jeff Dennison spoke on neighborhood safety issues.**

**Council recessed at 3:52 p.m. and reconvened at 7:03 p.m. for Evening Council Meeting.**

## 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:03 p.m.)

### 11.1 Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.

**Recommendation:** PUBLIC HEARING ON APPEAL of the Planning Commission's decision to approve, with standard and special conditions, a Conditional Use Permit to allow an addition to an existing public utility facility (San José Water Company) located on the northwest corner of San Tomas Expressway and Williams Road in the R-1-8 Residence Zoning District on a 17 acre site. The proposed addition consists of two settling ponds and three storage bins for temporary storage of excavated soil, asphalt, concrete, and base rock. (San José Water Company, Owner/Developer). CEQA: Exempt, CP03-009. Director of Planning, Building and Code Enforcement recommends upholding the decision of the Planning Commission to approve.

CP 03-009 - District 1

(Continued from 6/17/03 – Item 11.3 and 8/19/03 – Item 11.3)

**Continued to 9/30/03.**

### 11.2 Public Hearing on street renaming to Laurel Grove Lane.

**Recommendation:** PUBLIC HEARING ON STREET RENAMING of a segment of San Fernando Street (located between Bush Street and Laurel Grove Lane) to Laurel Grove Lane. (Cahill South LLC, Developer). SNI: Burbank/Del Monte. CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (5-0-2).

ST 03-007 - District 6

**Resolution No. 71731 adopted.**

### 11.3 Public Hearing on appeal of the Planning Commission's decision to certify the Environmental Impact Report for the Civic Plaza Parking Garage.

**Recommendation:** PUBLIC HEARING ON APPEAL OF AN ENVIRONMENTAL IMPACT REPORT of the Planning Commission's decision to certify the Environmental Impact Report for the Civic Plaza Parking Garage consisting of a three-bay parking structure, containing 1,250 parking spaces on a 1.22-acre site, located between North Fourth and North Fifth Streets approximately 225 feet north of East Santa Clara Street. The proposed parking structure will be a total of nine stories, with two stories below grade and seven stories above grade, for an above-ground building height of approximately 70 feet. The main access to the proposed parking structure would be from North Fourth Street, with secondary access located on North Fifth Street. Planning Commission certified the Environmental Impact Report (5-0-2). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommends upholding the Planning Commission certification of the EIR.

PP03-03-088 - District 3

**Resolution No. 71732 adopted.**

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on planned development rezoning of the property located at 2440 Trade Zone Boulevard.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southside of Trade Zone Boulevard, approximately 840 feet westerly of North Capitol Avenue (2440 Trade Zone Boulevard), from IP Industrial Park District to A(PD) Planned Development Zoning District, to allow up to 18 single-family detached residences on a 1.84 gross acre site. (Moghaddam Reza aka Ray Mogadam, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend denial (5-0-2).

PDC 03-025 - District 4

(Continued from 8/19/03 – Item 11.12)

**Ordinance No. 26968 passed for publication.**

### 11.5 Public Hearing on planned development rezoning of the property located at Flickinger Avenue and Hostetter Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Flickinger Avenue, approximately 600 feet southerly of Hostetter Road, from A Agriculture Zoning District to A(PD) Planned Development Zoning District, to allow up to 84 single-family detached residences on a 9.17 gross acre site. (Berryessa Union School District, Geraldine Harge, Owner; Pulte Homes, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC 03-038 - District 4

**Ordinance No. 26969 passed for publication.**

### 11.6 Public Hearing on rezoning of the property located at 745 S. First Street, Unit 6.

**Recommendation:** PUBLIC HEARING ON REZONING of the property located at the west side of South 1<sup>st</sup> Street, approximately 60 feet southeasterly of Union Street (745 S. 1<sup>st</sup> Street, Unit 6), from LI Light Industrial Zoning District to CN Commercial, to allow commercial uses on a 0.16 gross acre site. (Castro, Ross and Carol Y., Owner). SNI: Washington. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to CP Commercial Pedestrian (5-0-2).

C 03-041 - District 3

**Ordinance No. 26970 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.7 Public Hearing on planned development rezoning of the property located at Gold Street and the Guadalupe River.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the westerly side of Gold Street, approximately 150 feet southerly of the Guadalupe River, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow 32,022 square feet for industrial design uses on a 2.248 gross acre site. (Makai Graphics, Owner; San José/Alviso Youth Foundation Mr. Tom Jodry, Developer). CEQA: Resolution No. 67684. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
PDC 03-007 - District 4

**Ordinance No. 26971 passed for publication.**

### 11.8 Public Hearing on conforming rezoning of the property located at 780 S. First Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of South 1st Street, approximately 150 feet northerly of Virginia Street (780 S. 1<sup>st</sup> Street), from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, to allow commercial uses on a 0.1 gross acre site. (Clark Robert F. and Mildred L., Owner). SNI: Spartan/Keyes. CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.  
C 03-039 - District 3

**Ordinance No. 26972 passed for publication.**

### 11.9 Public Hearing on conforming rezoning of the property located at 175 S. 24<sup>th</sup> Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the west side of South 24th Street, approximately 210 feet northerly of San Antonio Street (175 S. 24<sup>th</sup> Street), from CP Pedestrian Commercial Zoning District to R-2 Two-Family Residence District, to allow a duplex on a 0.12 gross acre site. (Martin Velazquez, Owner). SNI: Five Wounds/Brookwood Terrace. CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.  
C 03-049 - District 3

**Ordinance No. 26973 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.10 Public Hearing on conforming rezoning of the property located at 971 Blossom Hill Rd.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the northeast corner of Winfield Boulevard and Blossom Hill Road (971 Blossom Hill Rd.), from HI Heavy Industrial Zoning District to CG Commercial General Zoning District, to allow commercial uses on a 1.39 gross acre site. (Bank of America National Trust & Savings Association, Owner). SNI: None. CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.  
C 03-062 - District 10

**Ordinance No. 26974 passed for publication.**

- Open Forum
  - (1) Danny Garza spoke on City neighborhood issues.
- Adjournment

**The Council of the City of San José adjourned at 7:31 P.M.**